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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

60132

FILE: B-185129

DATE: November 10, 1975

MATTER OF: R & O Industries

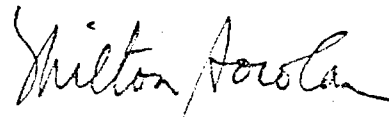
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DIGEST:

GAO is without jurisdiction to consider protest regarding status of bidder as "regular dealer" under Walsh-Healey Public Contracts Act, 41 U.S.C. §§ 35-45 (1970), since responsibility for determining whether bidder qualifies under Act rests in first instance with contracting officer and is subject to review by Secretary of Labor.

R & O Industries, a bidder under General Services Administration invitation for bids No. FPCA-D 55606A, for corrosion resistant and carbon steel flatware, protests against award being made to Palm Trading Co., the low bidder. R & O asserts through its attorney that Palm Trading Co. does not qualify as a "regular dealer" within the meaning of the Walsh-Healey Public Contracts Act (41 U.S.C. §§ 35-45 (1970)), and Palm's certification as such was improperly made.

The responsibility of determining whether a bidder is qualified as a "regular dealer" under the Act rests in the first instance with the contracting agency and is subject to review by the Secretary of Labor and not by the General Accounting Office. F & H Manufacturing Corporation, B-183491, April 29, 1975, 75-1 CPD 266; Trand Advertising Company, B-182212, February 19, 1975, 75-1 CPD 101. Since the protest involves a matter not subject to our jurisdiction, we must therefore decline R & O's request for consideration of its protest.

for 
Paul G. Dembling
General Counsel